

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the Matter of SHERRY CONTENT, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RANDY CONTENT,

Respondent-Appellant,

and

SUSAN BELL,

Respondent.

---

UNPUBLISHED

May 15, 2007

No. 272508

Ottawa Circuit Court

Family Division

LC No. 96-000126-NA

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

PER CURIAM.

Respondent-appellant Randy Content appeals as of right from the order of the trial court terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent-appellant contends that the trial court erred in finding that clear and convincing evidence supported termination of his parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g). We disagree. Clear and convincing evidence exists on the record that the conditions that led to adjudication continued to exist at the time of termination and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time given the age of the child. Around the time of termination, as at the time of adjudication, respondent-appellant was continuing his abuse of cocaine and alcohol and other consequent criminal activity, and also continuing his domestic violence with the child's mother, resulting in frequent incarceration. Consequently, respondent-appellant was no more able to provide for the proper care and custody of the child at the time of termination than at adjudication.

Similarly, the record supports termination under subsection (3)(g). Respondent-appellant failed to provide proper care and custody for the child and there was no reasonable expectation that he would be able to do so within a reasonable time considering the age of the child. While

the child was in his custody, respondent-appellant abused alcohol and cocaine, sometimes in the child's presence, involved the child in shoplifting schemes, regularly left the child without food or adult supervision, drove while intoxicated with the child in the car, engaged in domestic violence with the child's mother, and was repeatedly incarcerated. Respondent-appellant was continuing with much of this behavior at the time of termination. The trial court therefore did not clearly err in finding that clear and convincing evidence warranted termination under the pertinent subsections. See *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J).

Although respondent does not directly raise this issue, the record also supports, for the same reasons, the trial court's finding that termination was not contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We further reject respondent-appellant's contention that the trial court's ability to terminate his parental rights was somehow limited by an earlier visitation agreement with petitioner.

Affirmed.

/s/ Patrick M. Meter  
/s/ Kirsten Frank Kelly  
/s/ Karen M. Fort Hood